


# COUNTY OF YORK

## MEMORANDUM

**DATE:** July 6, 2006 (BOS Mtg. 7/18/06)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator 

**SUBJECT:** Application No. PD-17-06, Fourth Centrum of Virginia, Inc.

### **ISSUE**

This application seeks to amend the York County Zoning Map by reclassifying from EO (Economic Opportunity) to PD (Planned Development) approximately 70.7 acres of a 133-acre parcel for the purpose of establishing a 63-acre independent living senior housing development with a 7.7-acre commercial center. The property, further identified as Assessor's Parcel No. 5-52, is located at 4300 Mooretown Road approximately 2,030' west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713).

### **DESCRIPTION**

- Property Owner: City of Williamsburg (Applicant is contract purchaser)
- Location: 4300 Mooretown Road (Route 603)
- Area: Approximately 70.7 acres of a 133-acre parcel
- Frontage: Approximately 1,420 feet on Mooretown Road
- Utilities: Public water and sewer
- Topography: Moderate slopes are present on much of the property with some steep slopes
- 2025 Land Use Map Designation: Economic Opportunity
- Zoning Classification: EO – Economic Opportunity
- Existing Development: None
- Surrounding Development:
  - North: Fairfield at Governor's Green timeshare resort
  - East: Undeveloped watershed property
  - South: Fairfield at Kingsgate timeshare resort

West: Retail development along Richmond Road in Williamsburg (across Mooretown Road and the CSX railroad tracks)

- Proposed Development: 63-acre independent living senior housing development with a 7.7-acre commercial center

### **CONSIDERATIONS/CONCLUSIONS**

1. The subject parcel was purchased in 2001 by the City of Williamsburg, which plans to subdivide it and sell approximately 70.7 acres along Mooretown Road to the applicant, leaving the remaining 63-acre portion to the rear in its current natural state. The Comprehensive Plan designates the front half of the parcel as Economic Opportunity, while the rear half is designated Conservation because of its proximity to the Waller Mill Reservoir. The property is zoned EO (Economic Opportunity).
2. In general, the development character of Mooretown Road is commercial on either end, with large-scale retail, office, and institutional development at the northern end near the I-64/Route 199 Lightfoot interchange, with primarily tourist-oriented retail development at the southern end in proximity to Bypass Road, which is one of the greater Williamsburg area's major tourist corridors. Development between those two commercial clusters is less intensive, with single-family detached homes, a small light industrial area, a timeshare resort, and a large area of watershed property that is owned by the City of Williamsburg and likely to remain undeveloped. The site of the proposed development is between the two Fairfield timeshare resorts along this corridor (Governor's Green to the north and Kingsgate to the south). Although these are commercial developments, the use is essentially residential, albeit transient. Other development nearby includes the Embassy Suites Hotel, Kingsgate Green (Kmart) Shopping Center, and Pirate's Cove miniature golf course.
3. The proposed development would consist of a 63-acre independent living senior housing community with up to 459 residential units and a 7.7-acre commercial center along Mooretown Road. Residential units would be a mix of single-family detached homes, duplexes, condominium apartments, and rental apartments, all of which would be age-restricted. The requested residential density is 7.3 units per acre. The precise mix of unit types depicted on the applicant's concept plan, though subject to change, is as follows:

<b>Residential Unit Type</b>	<b>Number of Units</b>
Single-Family Detached	73
Duplex	18
Condominium Apartments	216
Rental Apartments	152
<b>Total</b>	<b>459</b>

Based on the proposed mix of residential unit types, and assuming that occupancy characteristics are consistent with the numerous other project that it has developed, the applicant projects that the ultimate population of The Reserve will be about 765 residents. As noted, the project is proposed as a “senior housing” development per the terms of the York County Zoning Ordinance, which means that all units must be occupied by at least one person 62 years or older. While this projected population is not accounted for in the County’s projected build-out population analyses, a major factor in build-out population considerations – school-age children – will not be present in this project because of its age restrictions (as opposed to “targeting”). Nevertheless, there could still be a small indirect impact on enrollment to the extent that future Reserve residents are “empty nesters” who live in the County and sell their homes to families with children. Impacts on other public services – emergency medical services, in particular, in the case of senior housing – are, of course, another important build-out consideration, and the applicant has addressed this with the proffer of a fire station site (and, of course, the project is conveniently located with respect to the new hospital).

The applicant has not decided on a final layout for the project. Marketing studies and detailed site analysis will determine the exact mix and location of unit types within the development. Consequently, three alternative layouts (Alternatives A, B and C) that the applicant is considering for the development have been submitted. Certain features are common to all three layouts, including the main entrance road – which would be a public road designed and built in accordance with VDOT standards – off of Mooretown Road that would run generally through the center of the property, with private street connections to each of the various areas within the development. In all three layouts the commercial center is in the same location at the southernmost corner of the property along Mooretown Road, with the remaining Mooretown Road frontage (i.e., across the main road from the commercial center) designated for multi-unit, multi-story residential structures (rental and/or condominium apartments). Single-family detached and duplex units would be located behind the commercial and apartment (condo and rental) areas. The alternative layouts vary with regard to the size of the front multi-unit cluster and a second multi-unit cluster located to the rear of the property; in Alternative C, all the apartment units are located to the front of the property and all the single-family detached and duplex units to the rear.

4. The applicant has voluntarily proffered a set of conditions that, if accepted by the Board, would apply to the proposed development. Specifically, the applicant has proffered to prohibit the following uses that would otherwise be permitted in the EO zoning district, either as a matter of right or with a Special Use Permit.

#### **Uses to be Prohibited**

##### **Normally Permitted as a Matter of Right:**

- Auto Parts Store
- Plant Nursery

##### **Normally Permitted with a Special Use Permit:**

- Drive-in Restaurant
- Nightclub

- Indoor Family Amusement Center
- Bowling Alley
- Skating Rink
- Household Items Repair
- Publishing/Printing
- Bait and tackle shop
- Wholesale Trade establishment (with-out outdoor storage)
- Tool, Household Equipment, Lawn and Garden Equipment, Rental
- Car wash
- Auto Fuel Dispensing
- Video Arcade/Pool Hall/Bingo Hall
- Auction House
- Heliport
- Helipad
- Wholesale Trade establishment (with out-door storage)
- Radio/television/microwave/communication towers
- Miniature Golf/Outdoor Commercial Amusement
- Bus Terminal
- Warehousing (as a principal use)
- All General Industrial (Category 16) uses

The applicant also has proffered that the architectural design of all residential structures will be in accordance with the building elevations submitted as part of this application. In addition, the applicant's proffer statement sets forth a series of architectural design guidelines for buildings in the commercial center (detailed in Exhibit B on the attached proffer statement). Finally, to help address the identified need for expanded fire and EMS coverage in this area of the County, and in recognition of the increased demand that age-restricted housing places on the County's emergency services capability, the applicant has proffered to dedicate to the County a 1.07-acre site for future construction of a fire station. The proffered fire station site, though smaller than the County's most recently developed existing fire station sites, is larger than the Grafton station site, about the same size as the Bruton station site, and larger than the undeveloped Kiln Creek site that was dedicated to the County by proffer when the Villages of Kiln Creek Planned Development was approved. The site would be large enough to accommodate the County's standard 3-bay fire station design and would be able to be served by the overall development's stormwater management and access systems.

5. In addition to the proffered conditions listed above, the City of Williamsburg's agreement to sell the property to the applicant is contingent on a series of "development restrictions, limitations and requirements" established by the city. These conditions, some of which replicate County requirements that would apply regardless, are intended for reservoir protection and include the following:

- Gas stations, auto service facilities and other users of hazardous materials are prohibited.
- Commercial farming and keeping of livestock are prohibited.
- Impervious surface cannot exceed 45% of total land area, and the site must be engineered so that the environmental impact of the impervious surface will be no greater than if the impervious cover did not exceed 40%.
- Development on slopes greater than 20% is prohibited.
- Open space buffers must be kept in a natural vegetated state, and all vegetated areas, including lawns and landscape areas, will be maintained in accordance with a chemical management plan approved by the city.

- No waivers from the County's Watershed Management and Protection Area overlay district will be permitted.
6. Pursuant to Section 24.1-361(c)(2) of the Zoning Ordinance, senior housing is a permitted use in the PD district in accordance with the performance standards set forth in Section 24.1-411 unless specifically modified by the Board of Supervisors at the time of approval. The applicant has requested deviations from the senior housing performance standards relative to parking and building height and from the building setback requirements set forth in the PD standards.
- **Parking.** The Zoning Ordinance requires one parking space per unit for independent living senior housing facilities, plus one space per six (6) units for visitor parking (1.167 spaces per unit). However, Section 24.1-604(b) of the Zoning Ordinance allows the County to approve reductions in the parking requirements for a specific use on a specific site if the developer can demonstrate, through the submission of a parking analysis, that a reduction is warranted; however, an area sufficient to accommodate half of the difference must be reserved for a period of 5 years and maintained as landscaped open space. Based on its experience with other independent living senior housing complexes that it has developed that include multi-story structures – with a combined total of 3,214 units – the applicant has requested a lower parking ratio of one space per unit for the rental apartment component of the development. In support of this request, the applicant has submitted parking usage data gathered at its other senior housing communities, which show an average of 0.56 parked cars (including both resident and employee vehicles) per unit in multi-story buildings. The range is from 0.25 to 0.85 parked cars per unit. According to the applicant, the low parking usage is attributable to the fact that its senior rental housing is targeted to smaller households where the average resident is 77 years old. For both the single-family detached homes and the duplexes, the concept plan is in compliance with the Zoning Ordinance requirement of two (2) spaces per unit, and for the condominium apartments the development exceeds the requirement with approximately 1.48 spaces per unit. The commercial center also has more than the required number of parking spaces, with 376 spaces rather than the required 210 spaces (based on an assumed 22,400 square feet of retail space and two 6,000-square foot restaurants). Based on the information supplied by the developer, and with the availability of overflow parking in other areas within the development and the reservation of landscaped open space for future construction of additional parking if it proves necessary, I believe the requested parking reduction should be approved if this application is approved.
  - **Building Height.** The senior housing performance standards establish a maximum building height of 45 feet for multi-unit structures; the applicant is requesting a maximum building height of 72 feet (four stories with parking underneath) for the condominium apartments and 60 feet (four stories) for the rental apartments. This request is based on the applicant's desire to allow for adequate density while reducing the building footprint (i.e., impervious cover) in

proximity to the watershed and providing pitched roofs on the structures to enhance architectural character.

One concern with regard to building height is fire and EMS response. With its site plan the developer will be required to submit a detailed description of the proposed features of the project and building design as they relate to protection and safety of the residents, as well as operational procedures that will ensure and facilitate the safety of the residents in the event of fire or other emergencies. At a minimum, all of the apartment buildings (rental and condo) will be required to include sprinkler systems. In addition, the Department of Fire and Life Safety may impose additional requirements pertaining to reduced combustibility of structural components, fire and smoke limiting features, etc.

Another concern is the appearance of such tall structures from Mooretown Road, which is rapidly becoming a major thoroughfare for local residents and tourists alike. Under the current EO zoning, it should be noted, the maximum building height is 75 feet. Also relevant is the fact that the required 50-foot perimeter landscape buffer surrounding the age-restricted housing, combined with the approximately 90 feet of unused right-of-way between the Mooretown Road edge of pavement and the front property line, ensures that the buildings at the front of the project will be a minimum of 140 feet from Mooretown Road. In fact, the front yard building setback depicted on the concept plan (which is subject to change) is 240 feet since the buildings are located behind parking. In view of the deep building setback from Mooretown Road and the desirability of reduced building footprints in the Waller Mill watershed, I am of the opinion that the requested building heights will not detract from the aesthetic character of Mooretown Road.

- **Building Setbacks.** The senior housing performance standards do not specifically address building setbacks for single-family detached homes and duplexes. Front, side, and rear yards are required around each building in a manner that provides at least 25 feet of landscaped open space surrounding each building; however, this requirement was intended to apply to multi-unit structures. In the absence of any other setback requirements, the PD district standards, which require a minimum building separation of twenty feet (20'), would apply unless modified by the Board of Supervisors. The applicant is requesting a minimum building separation of fifteen feet (15') for this project. In addition, the applicant is requesting a reduction of the minimum distance between any principal building and any public or private street right-of-way from thirty (30) to twenty feet (20') in the single-family detached and duplex areas.

Like building height, building separation raises both public safety and aesthetic concerns. The Department of Fire and Life Safety has reviewed the plan and has indicated that the requested 15' building separation could be acceptable if certain prescribed conditions – such as the installation of sprinkler systems or use of fire-resistive exterior construction materials where adjacent structures are

less than 20 feet apart – are met. These conditions, which are intended to afford protection from a fire that could spread from one structure to an adjacent structure, are set forth as conditions of approval in the proposed Ordinance.

Issues of development bulk (the size and shape of the building in relation to the parcel on which it sits) as it relates to community aesthetics and livability tend to be different for age-restricted housing than they would otherwise be. One of the defining characteristics of age-restricted housing – and one of the principal attractions for older residents considering relocation – is that the yards are smaller and require less maintenance. Homes typically are also smaller to accommodate an average household size of 1.7 persons per household (compared to the County average of 2.78). According to the applicant, the smaller yards are intended to “provide a sense of small town main street proximity and scale for seniors who wish to own their own homes” and facilitate walkability and pedestrian connectivity within the development. I am of the opinion that for a development of this type, the reduced yard requirements are appropriate and will provide for an attractive, cohesive, and walkable neighborhood.

7. The Zoning Ordinance performance standards for senior housing require a minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit, which in the case of the proposed development would equate to 91,800 square feet, or 2.1 acres. To meet this requirement, the applicant plans to provide a walking trail system throughout the development, along with a swimming pool, covered pavilion, barbecue/picnic area, yard game areas, fountains, gazebos, trellises, and benches. In addition, senior housing projects are required to incorporate spaces for recreational, community, and educational activities for the benefit of the residents. The applicant has indicated that the development will include, at a minimum, a combined total of 8,250 square feet of indoor recreation space, including 2,775 square feet in the rental apartments and 2,475 square feet in the condominium apartments and a 3,000-square foot clubhouse/recreation center, each with an exercise room, multi-purpose community room, kitchen, fireplace, and other amenities.

The residential portion of the development will be surrounded by a 50-foot perimeter landscape buffer, as required by the senior housing performance standards, while a 35-foot transitional buffer (reduced to 20 feet in the area of the fire station site) will separate the commercial area from the adjacent timeshare development.

8. The property contains several environmentally sensitive features. It is located within the Watershed Management and Protection Area (WMP) overlay district, and any development thereon will be subject to special performance standards to ensure the protection of the watershed surrounding the Waller Mill Reservoir. The developer will be required to maintain a 200' wide buffer strip, which must be maintained in its natural state or planted with an erosion-resistant vegetative cover, along the edge of all tributary streams. These buffer areas are shown on the

applicant's concept plan, primarily along the southern property boundary where it appears as common open space. In addition, various uses are not permitted within 500' of this 200' buffer. These include septic tanks and drainfields; fuel storage; uncovered trash dumpsters; and bulk storage, manufacture, or distribution of petroleum, chemical, or asphalt products or any materials hazardous to a water supply. The developer also will be required to submit an impact study addressing stormwater runoff control and reservoir protection measures.

Portions of the property also lie within the Chesapeake Bay Resource Protection Area (RPA), where development is not permitted to occur except in severely restricted circumstances. Most of the 100' RPA buffer is within the required 50' perimeter landscape buffer that surrounds the residential component of the development, and all of it is within the 200' WMP buffer. No disturbance to these areas is proposed.

9. Except at extremely high densities, residential development generates much less traffic per acre than does commercial development, and this is especially true of age-restricted housing, which generates fewer vehicle trips per unit than general market housing. According to the traffic impact analysis submitted by the applicant, the proposed development can be expected to generate an average of 4,096 daily vehicle trips, including 138 trips in the AM peak hour and 265 trips in the PM peak hour. Most of this traffic – 2,315 trips per day (83 in the AM peak hour and 179 in the PM peak hour) would be generated by the commercial center. The residential units are estimated to generate approximately 1,781 average daily trips, including 55 trips in the AM peak hour and 86 trips in the PM peak hour. Based on these traffic forecasts, a left turn lane from southbound Mooretown Road into the development will be warranted.

One item not addressed in the applicant's traffic study is the proposed right-turn in/right-turn out entrance to the commercial center depicted on the concept plan. The Zoning Ordinance does not permit a second access point unless the need for and safety of it is substantiated by a traffic study. The applicant's traffic study needs to be revised in order to meet this requirement, and this has been included as a condition of approval in the proposed resolution.

The Mooretown Road corridor is served by the Williamsburg Area Transport's local bus service. Section 24.1-255(b) of the Zoning Ordinance states that any proposed development along a transit route may be required to have a bus shelter. Studies have demonstrated that older people tend to rely more heavily on transit than does the general population, and both the Housing and Transportation elements of the Comprehensive Plan address the link between senior housing and transit service. Housing Implementation Strategy #11 is to "Support the development of housing for senior citizens in appropriate locations with convenient access to shopping, services, and – where it is available – transit." Transportation Objective #10 is to "Provide for the particular mobility needs of the senior population when planning transportation programs and facilities," and Transportation Implementation Strategy #9 is to "Work with local and regional transit agencies to



develop transit services for the elderly.” A condition has been included in the proposed ordinance requiring the developer to provide a bus shelter.

10. Virginia Department of Historic Resources (VDHR) records indicate the possible presence of cultural resources on the site or in proximity. In accordance with the County’s Historic Resources Management overlay district provisions, a Phase I archeological survey has been completed. The Phase I survey identified 14 isolated finds in the project area, which are not eligible for inclusion in the National Register of Historic Places. In addition, a previously recorded archeological site was identified on the property. Some artifacts were recovered from the site; however, this site “exhibited diminished integrity and very low research value,” according to the survey, and is not eligible for listing in the National Register. The survey does not recommend any further archeological testing. The VDHR has reviewed the Phase I survey and concurs with the recommendations.
11. The applicant has submitted a fiscal impact analysis of the proposed development, which estimates that it would generate annual revenues of approximately \$1.69 million for the County, while the estimated cost of providing County services to the estimated 780 residents (1.7 persons per household) is approximately \$1.23 million, yielding a net fiscal impact of \$458,000 annually. (Since real estates taxes represent by far the largest share of total revenue, it should be noted that the Board of Supervisors recently lowered the real property tax rate from \$0.8175 to \$0.6975 per thousand dollars of assessed value, thereby reducing the net annual fiscal impact to \$328,100.)

For purposes of comparison, the applicant also provided a fiscal impact analysis of a hypothetical commercial development that could be built under the existing EO zoning. The assumed commercial development in this analysis consists of the 7.7-acre commercial center as proposed plus, in place of the proposed 459 residential units, 129,600 square feet of office space and 288,000 square feet of flex space. The estimated net fiscal impact of this hypothetical development at build-out is \$577,000 (\$526,000 when the new tax rate is accounted for).

While the analysis shows that an entirely commercial use of the property would have a much higher net fiscal benefit for the County than the proposed use, it should be noted that the likelihood of such a development – or any other commercial use (with the possible exception of timeshare) – being built within the assumed 8-year time frame is relatively low. The prime location for office space in this area is currently in the International Center Business Park at the other end of Mooretown Road almost 3 miles to the north, which offers much better access to and from major highways (Interstate 64 and Route 199) and proximity to shopping, services, and the Sentara Williamsburg Regional Medical Center complex in an attractive business park environment with a range of business sites available for offices and light industry. In addition, the potential incompatibility of flex space (i.e., office/warehouse uses) with the adjacent timeshares, and the additional traffic that such uses would be likely to generate, represent considerations that go beyond a simple comparison of revenue impacts.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its June 14 meeting and, subsequent to conducting a public hearing voted 6:0 (Mr. Barba absent), to recommend approval. In doing so, the Commission endorsed all three alternative layouts (Master Plan Alternatives A, B, and C).

### **COUNTY ADMINISTRATOR RECOMMENDATION**

The subject property is located in a transitional area of Mooretown Road between the more intensive tourist-oriented commercial development along the Bypass Road corridor and the undeveloped watershed area. This location does not lend itself to the sort of large-scale commercial development that has been attracted to the northern segment of Mooretown Road. Furthermore, the restrictions imposed by the City of Williamsburg concerning maximum impervious surface would limit development intensity (maximum 40% impervious vs. the typical 60%-70% characteristic of commercial development elsewhere in the County. I believe the proposed mix of detached and duplex units with three- and four-story residential structures and a small retail and office center would be compatible with surrounding development, which consists mainly of multi-unit, multi-story timeshare buildings. The viability of commercial development in this area and on the 7.7-acre commercial parcel will be enhanced by the construction of 459 housing units directly adjacent, which, combined with over 500 timeshare units in close proximity, should help to stimulate demand for small-scale, neighborhood-oriented retail and office uses. Although the proposed development is mostly residential in character and therefore not entirely consistent with the Economic Opportunity designation set forth in the Comprehensive Plan, it is consistent with other recommendations of the Plan, especially with regard to encouraging senior housing in appropriate locations. In addition, and of particular importance for a primarily residential development in a commercially designated area, the project will have a positive net fiscal impact and will have no direct impact on school enrollment.

Architectural design within the development will be guided by the renderings submitted by the applicant and the proffered conditions, which give the County (through the Zoning Administrator, whose decisions may be appealed to the Planning Commission) final approval authority over the design of all buildings in the development. With these safeguards in place, along with the applicant's previous record of developing aesthetically appealing communities, I am confident that the development will be attractive.

In summary, I believe the proposed development is well designed, attractive, compatible with the surrounding area, and an appropriate use of the subject property. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions set forth in proposed Ordinance No. 06-18.

York County Board of Supervisors

July 6, 2006

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Attachments

- Excerpts of Planning Commission minutes, June 14, 2006
- Zoning Map
- Proffer Statement
- Master Plan Alternatives A, B, and C
- Non-Binding Illustrative Plan
- Architectural Elevations
- Typical Building Envelopes for Detached and Duplex Units
- Community Impact Statement
- Proposed Ordinance No. 06-18